

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TALLY ANN ROWAN,

Plaintiff,

v.

MARTY ORDINANS,

Defendant.

ORDER

09-cv-420-slc

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Plaintiff Tally Ann Rowan claims in this lawsuit that defendant Marty Ordinans failed to intervene to stop violations of her rights under the Eighth Amendment. Now before the court are plaintiff's motions to compel defendant to respond to her second request for production of documents and interrogatories and to depose various unincarcerated witnesses.

First, in her motion to compel, plaintiff states that she filed her discovery requests on defendant's counsel on March 13, 2010. Because defendant has thirty days to respond to these requests, the responses are not even due yet, so this motion to compel will be denied as premature. *See* Rules 33 and 34, Fed. R. Civ. P.

Second, plaintiff moves to depose various unincarcerated witnesses. Pursuant to Rule 30, Fed. R. Civ. P., plaintiff does not need court permission to depose these witnesses. However, any such deposition must comply with all requirements of Rule 30, and plaintiff is responsible for paying all the expenses. Even if plaintiff had obtained a court order allowing the deposition, this would not have relieved plaintiff of her obligations under rule 30. If plaintiff cannot afford to pay the expenses of a deposition, there are other discovery methods available to her to obtain information relevant to her lawsuit, as outlined in the October 16, 2009, preliminary pretrial conference order, *see* Dkt. 14, at 9-10.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion to compel discovery, dkt. #29, is DENIED as premature.
2. Plaintiff's motion to depose witnesses, dkt. 30, is DENIED as unnecessary. It is plaintiff's obligation to set up and pay for any deposition pursuant to Fed. R. Civ. P. 30.

Entered this 7<sup>th</sup> day of April, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge